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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,739	03/18/2004	Yasuo Okumura	2224-0229P	5352
2292	7590	03/03/2006	EXAMINER -	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			NAKARANI, DHIRAJLAL S	
			ART UNIT	PAPER NUMBER
			1773	
DATE MAILED: 03/03/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/802,739	Applicant(s) OKUMURA, YASUO	
	Examiner D. S. Nakarani	Art Unit 1773	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/17/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshioka (U. S. Patent 5,814,684) in view of Sawada et al (U. S. Patent Application Publication US 2003/0232209 A1 (now U. S. Patent 6,838,168 B2)) and Yanai et al (U. S. Patent 6,048,609).

Yoshioka discloses a coated resin sheet for food vessel, food film etc (Col. 6, lines 16-17) comprising polystyrene sheet (Col. 3, lines 22-33) coated with a coating composition comprising a polyhydric alcohol fatty acid ester such as sucrose fatty acid ester (Col. 2, lines 20-33) and a hydrophilic polymer such as starch, polyacrylic acid, sodium polyacrylate, polyethylene oxide, polyvinyl pyrrolidone, polyvinyl alcohol etc (Col. 2, lines 34-60) (Example 1). Yoshioka fail to disclose claimed projections, claimed release layer formed on the other side of the polystyrene sheet and claimed wetting index.

Sawada et al disclose a antifogging thermoplastic sheet for packaging food container such as lunch boxes, side-dish container etc (Paragraphs from 0015 to 0016) comprising a polystyrene sheet coated with antifogging coating composition comprising sucrose fatty acid ester and modified cyclodextrin (paragraphs from 0019 to 0034). Sawada et al disclose resin sheet having wetting coefficient prior to coating 38 to 60 mN/m obtained corona treatment (Paragraph 0061).

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Sawada et al disclose silicone release coating on the other side of the sheet using silicone oil (Paragraphs from 0063 to 0065). Sawada et al disclose addition of anti-blocking fine particles to thermoplastic sheet forming composition to form projections. Sawada et al' fine particle includes styrene crosslinked resin beads (Paragraph 0051). Sawada et al fail to disclose size of projections, fine resin particle size and an amount.

Yanai et al disclose a polystyrene sheet with blocking resistance useful for vessels, container etc. (Col. 1, lines 10-15 and col. 6, lines 49-52) comprising polystyrene resin containing styrene crosslinked particles having particle size from about 0.5 to about 15 μm in an amount from about 0.001 to about 1.0 wt% (Col. 3, line 37 to col. 3, line 24). Yanai et al disclose projection height from 0.2 to 1.0 μm (Col. 7, lines 25-35). Yanai et al also disclose coating polystyrene sheet with silicone oil with or without antifogging agent or antistatic agent (Col. 6, lines 37-52). Since Yanai et al's styrene crosslinked particles and amount falls in claimed amounts, the average density of the projection deemed to fall within the claimed range unless shown otherwise.

Therefore it would have been obvious to a person of ordinary skill in the art at the time of this invention made to utilize disclosures of Sawada et al and of Yanai et al in the invention of Yoshioka to form polystyrene sheet having projections as taught by Yanai et al and coat one side with antifogging coating with or without silicone oil and the other side with silicone oil as taught by Sawada et al to form an article having blocking resistance. The claimed coating method is encompassed by the prior art methods and food vessel disclosed by prior art encompasses claimed tray in absence of specifying structure of the tray.

No claims are allowed.


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3. Receipt of Information Disclosure Statement filed June 17, 2004 is acknowledged. All recited non-English documents have been considered to the extent of provided English abstract and/or machine translation and have been made of record.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. S. Nakarani whose telephone number is (571) 272-1512. The examiner can normally be reached on Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on (571) 272-1284. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


D. S. Nakarani
Primary Examiner
Art Unit 1773

Dsn
February 27, 2006.